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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of **Halseth et al.**

Application No. 09/633,793

Attorney Docket No. 1032-P01510US1

Filed: August 7, 2000

For: Fluid Sampling Device with
Retractable Needle

Group Art Unit: 3731

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OFFICE OF PETITIONS

PETITION UNDER 37 C.F.R. §1.47(a)

The inventors' declaration filed with this petition is signed by three of the four named inventors. One of the inventors, Robert Hall, has refused to sign the declaration because he no longer works for the company who owns the application. Pursuant to his employment contract, Mr. Hall has an obligation to sign these papers, however, as set forth in the accompanying Declaration of Thor Halseth, Mr. Hall has refused to sign the papers. Accordingly, Applicants request that the Commissioner accept the application without the signature of Mr. Hall.

The proper fee for this petition is enclosed, as reflected on the accompanying fee transmittal sheet.

Respectfully submitted,

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By


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DECLARATION OF THOR R. HALSETH UNDER 37 C.F.R. §1.47(a)

I, Thor R. Halseth, declare as follows:

1. I am a joint inventor of United States Patent Application No. 09/633,793 filed August 7, 2000 and entitled "Fluid Sampling Device with Retractable Needle".
2. Robert L. Hall is a named inventor of U.S. Patent Application No. 09/633,793.
3. I spoke with Mr. Hall several times in an attempt to have him sign the declaration for U.S. Patent Application No. 09/633,793, but he has refused to sign the declaration.
4. The last time I spoke with Mr. Hall regarding the declaration was on or about November 8, 2000. At that time he refused to sign the declaration for U.S. Patent Application No. 09/633,793 because he no longer works for MDC Research Ltd., which is a wholly owned subsidiary of Med-Design Corp., which owns U.S. Patent Application No. 09/633,793 through its wholly owned subsidiary MDC Investment Holdings, Inc.
5. To the best of my knowledge Mr. Hall's address is 375 Larcom, Thousand Oaks, CA 91360.
6. All statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true, and these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent resulting therefrom.

2.20.01
Date


Thor R. Halseth